

1 AN ACT concerning zoning.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Counties Code is amended by changing
5 Section 5-12009.5 as follows:

6 (55 ILCS 5/5-12009.5)

7 Sec. 5-12009.5. Special uses.

8 (a) The county board may, by an ordinance passed under
9 this Division, provide for the classification of special
10 uses. Those uses may include, but are not limited to, public
11 and quasi-public uses affecting the public interest; uses
12 that have a unique, special, or unusual impact upon the use
13 or enjoyment of neighboring property; and uses that affect
14 planned development. A use may be permitted in one or more
15 zoning districts and may be a special use in one or more
16 other zoning districts.

17 (b) A special use may be granted only after a public
18 hearing conducted by the board of appeals. There must be not
19 less than 30 days' and not more than 45 days' ~~at least 15~~
20 ~~days~~ notice before the hearing. The notice must include the
21 time, place, and date of the hearing and must be published in
22 a newspaper published in the township or road district where
23 the property is located. If there is no newspaper published
24 in the township or road district where the property is
25 located, the notice must be published in a newspaper of
26 general circulation in the county. The notice must also
27 contain (i) the particular location of the property for which
28 the special use is requested by legal description and by
29 street address, or if there is no street address, by locating
30 the property with reference to any well-known landmark,
31 highway, road, thoroughfare, or intersection; (ii) whether

1 the petitioner or applicant is acting for himself or herself
2 or as an agent, alter ego, or representative of a principal
3 and the name and address of the principal; (iii) whether the
4 petitioner or applicant is a corporation, and if so, the
5 correct names and addresses of all officers and directors of
6 the corporation and of all stockholders or shareholders
7 owning any interest in excess of 20% of all of the
8 outstanding stock or shares of the corporation; (iv) whether
9 the petitioner or applicant, or his or her principal, is a
10 business or entity doing business under an assumed name, and
11 if so, the name and residence of all actual owners of the
12 business or entity; (v) whether the petitioner or applicant,
13 or his or her principal, is a partnership, joint venture,
14 syndicate, or an unincorporated voluntary association, and if
15 so, the names and addresses of all partners or members of the
16 partnership, joint venture, syndicate, or unincorporated
17 voluntary association; and (vi) a brief statement of the
18 proposed special use.

19 In addition to any other notice required by this Section,
20 the petitioner or applicant ~~board-of--appeals~~ must give at
21 least 30 ~~15~~ days' but not more than 45 days' notice before
22 the hearing to (i) any municipality whose boundaries are
23 within 1-1/2 miles of any part of the property proposed as a
24 special use and (ii) the owner or owners of any land adjacent
25 to or immediately across any street, alley, or public
26 right-of-way from the property proposed as a special use or,
27 if the property proposed as a special use is part of a larger
28 contiguous area owned by the petitioner or applicant, that
29 larger contiguous area.

30 The petitioner or applicant is responsible for giving and
31 must pay the cost of the publication of the notice required
32 by this Section.

33 (c) A special use may be granted only upon evidence that
34 the special use meets the standards established for that

1 classification in the ordinance and only upon a three-fourths
2 majority vote of the members present when the ordinance
3 granting a special use is adopted. The special use may be
4 subject to conditions reasonably necessary to meet the these
5 standards.

6 (d) The board of appeals shall report to the county
7 board a finding of fact and a recommendation as to whether
8 the county board should deny, grant, or grant subject to
9 conditions the special use. The county board may, by
10 ordinance and without a further public hearing, adopt any
11 proposed special use on receiving the report or it may refer
12 the proposal back to the board of appeals for further
13 consideration.

14 (e) The county board may, by ordinance, delegate to the
15 board of appeals the authority to grant special uses subject
16 to the restrictions and requirements of this Section. The
17 ordinance may delegate the authority to grant all special
18 uses or to grant only certain classes of special uses while
19 reserving to the county board the authority to grant other
20 classes of special uses. If the county board enacts an
21 ordinance delegating its authority, the board of appeals
22 must, after conducting the required public hearing, issue a
23 finding of fact and final decision in writing on the proposed
24 special use.

25 (Source: P.A. 90-175, eff. 1-1-98; 91-334, eff. 7-29-99.)